

congresses and conferences, the making of treaties and other international agreements, and the use of good offices, mediation, and arbitration. The volumes contain much that has general interest, notably some of the accounts of contests over precedence and immunities, but it is a long, arid route which the reader must pursue to find them.

Sir Ernest Satow's work could have been made a good deal more interesting if the author had been willing to incorporate more of discussion instead of so much repetitious quotation and summary. His own opinions, the ripe fruit of a long and varied experience, would have been welcome on many points. The extracts from foreign sources might well have been rendered into English. And a good deal of the triviality of diplomatic routine would have been well enough omitted.

The reviewer has been sorely tempted to indulge in some harmless *facetiae* about the trivialities. For one who cannot claim to appreciate fully the diplomatist's meticulous concern about these matters, it has been something of a strain to ponder seriously the truth that a diplomat should have a copy of his speech in his pocket when presented to the head of state, that court carriages are used to fetch an ambassador to the palace, that an embassy presented to the Pope kneels three times upon three designated spots respectively before advancing to kiss the Holy Father's foot, that the United States at one time presented gold chains to foreign diplomats upon the termination of their missions, that international conferences pass numerous votes of thanks, and that treaties sometimes begin *Au nom de Dieu Tout-Puissant*. There has been a temptation to be facetious. But opportunely the reviewer left off writing and looked across his desk at the stupefying accumulations of a modern law library. There they were, the trivialities of form and precedent, bound in sheep and buckram, hundreds of thousands of them, shelf upon shelf, stack upon stack, row upon row. The intended *facetiae* were lost in a new understanding of the difficulties experienced by professional diplomatists. The proverb about those who live in glass houses seemed somehow to fit the situation.

It will be enough to repeat that Sir Ernest Satow's volumes afford the only treatise of the kind in English. What the learned author set out to do, he has done in really excellent fashion. The new edition achieves substantial improvements through the elimination of minor errors, an amplified treatment of certain topics, and revision to date.

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A Selection of Cases under the Interstate Commerce Act. By Felix Frankfurter. Second Edition. Cambridge, Harvard University Press, 1922. pp. xii, 789.

This is a second edition of one of the earliest of the casebooks, now increasingly more numerous, arranged not according to traditional law school ideas but according to the practical business divisions which the lawyer makes in shaping his career at the bar. The classification of the original edition has been retained, but there has been an extensive addition of recent cases, and certain desirable changes of form such as the omission of names of counsel have been made.

The great importance of the field of the law thus staked off is of course obvious. Many lawyers are devoting their lives to this kind of practice alone, and the social importance of the transportation interests involved is at least as important as that of any of the interests treated in other law school courses. Moreover the reviewer is heartily in sympathy with any rearrangement of law school courses which will more nearly approximate the divisions into which the profession is falling. He therefore welcomes this new highly suggestive and

interesting material, both for his own use and for that of his class. He is not however thoroughly convinced that he may use this as the casebook foundation of a course. There must be considered the already overcrowded condition of the curriculum—a trite but nevertheless practically powerful objection. There must also be considered the necessity of giving, as this book does not attempt to do, the historical background of public service law against which the Interstate Commerce Act stands, for this will profoundly affect the future of governmental regulation of industries as it has the past. With these considerations in mind the comparatively limited additional material here given may perhaps not be a sufficient justification for the adding of it as a course. The most important subdivision made is that entitled generally "Powers and Duties" [of the Interstate Commerce Commission]. This comprises twenty-five cases amounting to substantially three hundred pages. Making a rough outline, and counting parts of pages, we may classify the material of this section as follows: one case on classification of freight, twelve pages; nine cases on discrimination between localities, one hundred and fourteen pages; five cases on rate increases, ninety-two pages; three cases on the long and short haul clause, thirty-seven pages; five cases on special facilities and charges therefor, twenty-two pages; one case on limitation of liability of telegraph companies, eleven pages; and two cases on car allotments, eight pages. There are no footnote annotations, and the material is all of an advanced nature presupposing a previous knowledge of the subject. Thus the general principles as they are applied to rate-making and the history of the law of the carrier's liability must be sought elsewhere. The additional legal principles gained by considering this large body of material seem, therefore, not many. The difficulty is of course with the material and not the editorial work.

While therefore the reviewer welcomes this book, he is inclined to view its proper function as that of additional or collateral material for his class.

It is not quite clear why a case should be reprinted twice substantially without variation. See pages 163, 230. An index is always of assistance in a casebook and would be especially so in a casebook of this type. Its omission is to be regretted.

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BOOKS RECEIVED.

- Recent Changes in American Constitutional Theory.* By John W. Burgess. New York, Columbia University Press, 1923. pp. xi, 115.
- Collier on Bankruptcy.* Thirteenth Edition. Albany, Matthew Bender & Co., 1923. Vol. I, pp. li, 1014. Vol. II, pp. xxii, 1023.
- Cases on the Law of Contract.* By John C. Miles and J. L. Brierly. New York, Oxford University Press, American Branch, 1923. pp. xvi, 528.
- Handbook of Common Law Pleading.* By Benjamin J. Shipman. Third Edition by H. W. Ballantine. St. Paul, West Publishing Co., 1923. pp. xxii, 644.
- Cases on Conveyances.* By Joseph Warren. Cambridge, published by the Editor, 1923. pp. xii, 807.
- Delaware Corporations and Receiverships.* By Josiah Marvel. Wilmington, The Corporation Service Co., 1923. pp. 233.
- Cases on Equity.* By Walter Wheeler Cook. St. Paul, West Publishing Co., 1923. Vol. I, pp. xvi, 805.
- Cases on Equity Jurisprudence.* By Archibald H. Throckmorton. Second Edition. St. Paul, West Publishing Co., 1923. pp. x, 611.